

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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BRADFORD CAIN DOPKINS,

Case No. 24-CV-3417 (PJS/DTS)

Petitioner,

v.

ORDER

TRACY BELTZ, Warden of Faribault  
Prison; and MINNESOTA,

Respondents.

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This matter is before the Court on petitioner Bradford Dopkins's objection to the October 7, 2024, Report and Recommendation ("R&R") of Magistrate Judge David T. Schultz. Judge Schultz recommends dismissing Dopkins's habeas petition for failure to prosecute under Fed. R. Civ. P. 41(b), because Dopkins has not yet paid the filing fee or filed an application to proceed *in forma pauperis* ("IFP"). The Court has conducted a de novo review. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Based on that review, the Court adopts the R&R.

In his objection, Dopkins only specifically addresses the R&R's findings when he states, "I haven't filed anything in 24-CV-3417 as I think I haven't met 28 U.S.C. § 2254(b)(1)(A), (b)(2), (b)(3)(C) '[not] exhausted [state remedy] . . . if he has the right under the law to raise . . . the question.'" Objection, ECF No. 6 at 2 (brackets and ellipses in the original). Given that Dopkins seems to have no intention of paying the filing fee

or filing an IFP application at this time, the Court dismisses the petition without prejudice. *See id.* (“Why did I file a notice of intent to petition 28 U.S.C. § 2254? Well 1st I think it’s just a statement of future plans.”). Dopkins may re-file a petition in the future when he believes he has exhausted his state-court remedies and wishes to proceed in federal court.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein,  
IT IS HEREBY ORDERED THAT:

1. Petitioner’s objection [ECF No. 6] is OVERRULED.
2. The Report and Recommendation [ECF No. 5] is ADOPTED.
3. The petition [ECF No. 1] is DISMISSED WITHOUT PREJUDICE.
4. No certificate of appealability will issue.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 15, 2024

s/Patrick J. Schiltz  
Patrick J. Schiltz, Chief Judge  
United States District Court